



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Ordinance No. 1748 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 12.12 – Parks – by Adding Article IV, 'Skate Parks,' Relating to Skate Park Regulations"

**MEETING DATE:** June 16, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1748.

**BACKGROUND INFORMATION:** Ordinance No. 1748 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 12.12 – Parks – by Adding Article IV, 'Skate Parks,' Relating to Skate Park Regulations" was introduced at the regular City Council meeting of June 2, 2004.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the Interim City Attorney.

**FUNDING:** None required.

A handwritten signature in black ink, reading "Susan J. Blackston".

Susan J. Blackston  
City Clerk

SJB/JMP

Attachment

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APPROVED:

A handwritten signature in black ink, reading "H. Dixon Flynn".

H. Dixon Flynn, City Manager

**NOTICE OF REASSIGNMENT OF SECTION  
NUMBERS CONTAINED IN ORDINANCE NO. 1748**

Please take notice that Ordinance No. 1748 of the Lodi Municipal Code adopted June 16, 2004, contained erroneous section numbers. Therefore Article IV. Skate Parks, Section numbers 12.12.300, 12.12.310 and 12.12.320 have now been changed to Article V, Sections 12.12.410, 12.12.420 and 12.12.430. Ordinance No. 1748 shall be republished one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty days from and after its original passage and approval date.

Ordinance No. 1748 now reads as follows:

**ORDINANCE NO. 1748**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LODI AMENDING LODI MUNICIPAL CODE CHAPTER 12.12 –  
PARKS – BY ADDING ARTICLE V, "SKATE PARKS," RELATING  
TO SKATE PARK REGULATIONS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 12.12 "Parks" is hereby amended by adding Article V, Skate Parks, and shall read as follows:

Article V. Skate Parks

12.12.410 Skateboarding, Rollerskating prohibited in Certain Areas; Skate Park Regulations

- A. Skateboarding, rollerskating, in-line skating, and similar activities are prohibited in City Parks and recreational facilities unless specifically authorized in areas designed by this Section and as further designated by resolution of the City Council. The City of Lodi designates and maintains as a skate park facility, that area located within Kofu Park at 1145 South Ham Lane at Cardinal Street. The boundaries of the skate facility shall be defined by a fence and the signs required by this section.

12.12.420 The following regulations shall apply to the riding of skateboards, in-line skates, or roller skates at, or any other use of, any facility or park owned or operated by the City of Lodi, which has been designated a skate park:

- A. Within the skate park, it shall be unlawful for any person to:
- (1) Ride, operate, or use a skateboard, roller skates, or in-line skates, unless that person is wearing a helmet designed for skateboarding and/or in-line skating use with a chin strap, elbow pads designed for skateboard and/or in-line skating use with plastic elbow caps, and knee pads designed for skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;

- (2) Ride, operate, utilize a skateboard, roller skates, or in-line skates unless such equipment is in good repair at all times during use;
- (3) Be on or use an individual apparatus within the skate park while another person is using it;
- (4) Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;
- (5) Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of skateboarders or skaters;
- (6) Use, operate, or possess any source of amplified music including but not limited to stereo's, boom boxes, and amplifiers.
- (7) Enter the skate park unless actively skateboarding or in-line skating in accordance with these regulations;
- (8) Use, consume, or have within his or her custody or control, food or beverages, within the skate park;
- (9) Use, consume, or have within his or her custody or control, alcohol, tobacco products, or illegal drugs within the skate park;
- (10) Enter upon the skate park while under the influence of alcoholic beverages or illegal drugs;
- (11) Use or possess glass containers, bottles, or other breakable glass products within the skate park;
- (12) Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying) or any activity which could endanger the safety of persons using the skate park or spectators;
- (13) Engage in graffiti, tagging, or other defacing of City property or the properties of others;
- (14) Ride, operate, or utilize any device other than a skateboard, roller skates, or in-line skates (prohibited devices include, but are not limited to, bicycles, motor vehicles, motorized skateboards, and motorized skates) on the skate park;
- (15) No person shall enter or remain in or upon the skate park premises: 1) while closed, as determined by the Parks and Recreation Department, or 2) between the hours of 9:00 P.M. and 10:00 A.M.

B. The skate park shall be posted with signs at the following locations:

- (1) At the entrance to the skate Park; and

- (2) On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the City. The signs shall not be less than 2 feet by 3 feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than ½ inch in height, the following language:

WARNING

SKATEBOARDING AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTIVITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE §§115800 AND 115800.1.

IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A SKATEBOARD OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR SKATEBOARD USE AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR SKATEBOARD AND/OR IN-LINES SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR SKATEBOARD AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED SKATE BOARDS AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO PROVIDE AMPLIFIED MUSIC WITHIN THE SKATE PARK. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

12.12.430 Violations

- A. Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this Chapter shall be prosecuted as a misdemeanor for violations of 12.12.420 A (9) and A (15) or an infraction for violations of 12.12.420 A (1) through A (8) and A (10) through A (14) as provided in Section 1.08.010 of this Code.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

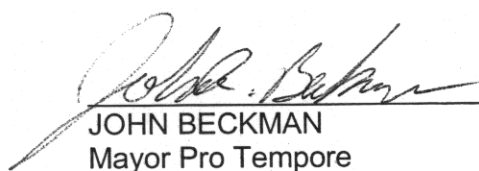
SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other

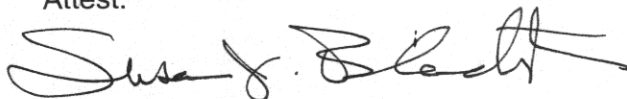
provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty days from and after its passage and approval.

Approved this 16<sup>th</sup> day of June, 2004

  
JOHN BECKMAN  
Mayor Pro Tempore

Attest:

  
SUSAN J. BLACKSTON  
City Clerk  
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State of California  
County of San Joaquin, ss.

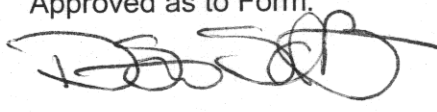
I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1748 was introduced at a regular meeting of the City Council of the City of Lodi held June 2, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held June 16, 2004, by the following vote:

AYES:	COUNCIL MEMBERS – Beckman, Hitchcock, Howard, and Land
NOES;	COUNCIL MEMBERS – None
ABSENT:	COUNCIL MEMBERS – Mayor Hansen
ABSTAIN:	COUNCIL MEMBERS – None

I further certify that Ordinance No. 1748 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

  
D. STEPHEN SCHWABAUER  
Interim City Attorney